

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON**

OREGON FIREARMS FEDERATION,
INC., et al.,

Plaintiffs,

v.

TINA KOTEK, et al.

Defendants.

Civil Action No. 2:22-cv-01815-IM (lead case)
3:22-cv-01859-IM (trailing case)
3:22-cv-01862-IM (trailing case)
3:22-cv-01869-IM (trailing case)

**MOTION OF BRADY CENTER TO PREVENT GUN VIOLENCE, GIFFORDS LAW
CENTER TO PREVENT GUN VIOLENCE, AND MARCH FOR OUR LIVES FOR
LEAVE TO FILE *AMICUS CURIAE* BRIEF IN OPPOSITION TO PLAINTIFFS’
REQUEST FOR A PERMANENT INJUNCTION**

1. Brady Center to Prevent Gun Violence (“Brady”), Giffords Law Center to Prevent Gun Violence (“Giffords Law Center”) and March for Our Lives (“MFOL”) (collectively, the “Gun Violence Prevention Groups”) hereby move for leave to file the attached brief, as *amici curiae*, in opposition to Plaintiffs’ request for a permanent injunction.

The proposed brief is attached.

2. Pursuant to Local Rule 7-1, undersigned counsel Timothy C. Hester hereby certifies that counsel for *amici* conferred in good faith with counsel for Plaintiffs and counsel for Defendants in the above-captioned lead case on the relief requested in this motion. Defendants have consented to the motion for leave to file the attached *amicus* brief. Plaintiffs have objected to the motion for leave.

3. *Amicus curiae* Brady is the nation’s most longstanding non-partisan, non-profit organization dedicated to reducing gun violence through education, research, legal advocacy and political action. Brady has filed numerous *amicus* briefs in cases involving the

constitutionality of firearms regulations, and multiple decisions have cited Brady’s research and expertise on these issues.

4. *Amicus curiae* Giffords Law Center promotes and defends the laws and policies proven to reduce gun violence, and advocates for the interests of gun owners and law enforcement officials who understand that Second Amendment rights have always been consistent with gun safety legislation and community violence-prevention strategies. Giffords Law Center has filed numerous *amicus* briefs involving firearms regulations and constitutional principles affecting gun policy.

5. *Amicus curiae* MFOL is a youth-led non-profit organization dedicated to promoting civic engagement, education and direct action by youth to achieve sensible gun violence prevention policies that will save lives. MFOL has filed numerous *amicus* briefs in cases involving firearms regulations.

6. “The district court has broad discretion to appoint amici curiae.” *Greater Hells Canyon Council v. Stein*, No. 2:17-cv-843-SU, 2018 WL 438924, at *1–2 (D. Or. Jan. 16, 2018) (citation omitted) (granting motion for leave to file *amicus* brief). This Court has recognized the utility of *amicus* briefs that assist in cases “of general public interest” by “supplementing the efforts of counsel, and drawing the court’s attention to law that escaped consideration.” *Id.* (quoting *Miller-Wohl Co. v. Comm’r of Labor & Indus. State of Mont.*, 694 F.2d 203, 204 (9th Cir. 1982)). This Court has permitted *amici* participation where *amici* have, for example, provided “useful additional analysis,” *id.*, or “been involved in [relevant] issues for many years,” *Nat’l Wildlife Fed’n v. Nat’l Marine Fisheries Serv.*, No. 01-cv-640-RE, 2005 WL 878602, at *4 (D. Or. Apr. 8, 2005) (“It would be counterproductive to exclude [*amici*] from meaningful participation in this case.”).

7. The Gun Violence Prevention Groups have a significant interest in the issues involved in this matter. As national gun violence prevention organizations, they have an acute interest in ensuring that firearms are regulated in ways that will reduce the staggering incidence of gun violence in this country. And they have a particular interest in ensuring that litigation related to the constitutionality of firearms regulations is fully informed by empirical research and factual information of the sort addressed in the proposed *amicus* brief.

8. Reflecting the productive contribution that the Gun Violence Prevention Groups can make to the resolution of the issues before the Court, another federal district court recently relied on several passages from an *amicus* brief they had filed in litigation in the District of Columbia presenting a comparable challenge to a law restricting large-capacity magazines. *See Hanson v. District of Columbia*, No. 22-cv-2256 (RC), 2023 WL 3019777, at *2, 10 & n.8, 14 & n.10, 16 (D.D.C. Apr. 20, 2023) (quoting or citing to the *amicus* brief of the Gun Violence Prevention Groups).

9. In addition, the Gun Violence Prevention Groups have extensive experience in research, programs, legislative advocacy, and litigation concerning gun violence prevention policies. They also provide unique perspectives based on the experiences of those whose lives have been altered by the epidemic of gun violence.

10. In the attached *amicus* brief, the Gun Violence Prevention Groups undertake to provide supplemental authority and argument beyond those advanced by the parties, so as to be “of assistance to the court,” *Nat’l Wildlife Fed’n*, 2005 WL 878602, at *4, in this case “of general public interest,” *Greater Hells Canyon Council*, 2018 WL 438924, at *1.

WHEREFORE, the Gun Violence Prevention Groups respectfully request leave of the Court to file the attached brief as *amici curiae*.

Dated: May 15, 2023

Respectfully submitted,

Of Counsel:

Daniel Weltz
Rachel Bercovitz
COVINGTON & BURLING LLP
One CityCenter
850 Tenth Street, NW
Washington, DC 20001
(202) 662-6000
DWeltz@cov.com
RBercovitz@cov.com

Douglas N. Letter
Shira Lauren Feldman
BRADY CENTER TO PREVENT GUN VIOLENCE
840 First Street, NE Suite 400
Washington, DC 20002
(202) 370-8100
dletter@bradyunited.org
sfeldman@bradyunited.org

Esther Sanchez-Gomez
GIFFORDS LAW CENTER TO PREVENT GUN
VIOLENCE
268 Bush St. #555
San Francisco, CA 94104
(415) 433-2062
esanchezgomez@giffords.org

Ciara Wren Malone
MARCH FOR OUR LIVES
90 Church Street # 3417
New York, NY 10008
(913) 991-4440
ciara.malone@marchforourlives.com

/s/ Timothy C. Hester

Timothy C. Hester (*admitted pro hac vice*)
COVINGTON & BURLING LLP
One CityCenter
850 Tenth Street, NW
Washington, DC 20001
(202) 662-6000
thester@cov.com

Counsel for Amici Curiae

CERTIFICATE OF SERVICE

I hereby certify that on May 15, 2023, an electronic copy of the foregoing was filed with the Clerk of Court for the United States District Court for the District of Oregon using the Court's *CM-ECF* system and was served electronically by the Notice of Docket Activity upon registered *CM-ECF* participants.

Dated: May 15, 2023

Respectfully submitted,

/s/ Timothy C. Hester

Timothy C. Hester (*admitted pro hac vice*)

COVINGTON & BURLING LLP

One CityCenter

850 Tenth Street, NW

Washington, DC 20001

(202) 662-6000

thester@cov.com